

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**JAMES CARLOCK, on behalf of himself and
all others similarly situated,**

Plaintiff,

v

Case No. 24-11122

Hon. Judith E. Levy

Mag. Curtis Ivy, Jr.

**CITY OF HARPER WOODS, GLEN HEANEY,
MATTHEW CLOSURDO, DANIEL MCCAW,
GEORGE SPARKS, JAMES RUTHENBERG
and TED STAGER, in their individual
capacities as officers of the Harper Woods
Police Department; WAYNE COUNTY;
32A DISTRICT COURT,**

Defendants.

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**DEFENDANT 32A DISTRICT COURT'S ANSWER TO COMPLAINT,
AFFIRMATIVE DEFENSES AND RELIANCE ON JURY DEMAND**

NOW COMES Defendant, 32A DISTRICT COURT, by and through its attorneys, PLUNKETT COONEY, and for its Answer to Plaintiff's Complaint states as follows:

1. To the extent the allegations in paragraph 1 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

2. To the extent the allegations in paragraph 2 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

3. The allegations contained in paragraph 3 are denied as untrue in the form and manner alleged and in fact.

4. In response to the allegations contained in paragraph 4, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

5. The allegations contained in paragraph 5 are denied as untrue in the form and manner alleged and in fact.

6. To the extent the allegations contained in paragraph 6 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

7. The allegations contained in paragraph 7 are denied as untrue in the form and manner alleged and in fact.

8. In response to the allegations contained in paragraph 8, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

9. In response to the allegations contained in paragraph 9, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

10. To the extent the allegations contained in paragraph 10 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

11. To the extent the allegations contained in paragraph 11 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

12. To the extent the allegations contained in paragraph 12 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

13. To the extent the allegations contained in paragraph 13 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

14. To the extent the allegations contained in paragraph 14 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

15. To the extent the allegations contained in paragraph 15 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

16. To the extent the allegations contained in paragraph 16 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

17. To the extent the allegations contained in paragraph 17 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

18. In response to the allegations contained in paragraph 18, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

19. In response to the allegations contained in paragraph 19, Defendant admits that the District Court is a district court duly organized and existing by virtue of the laws of the State of Michigan and that the District Court is located in the City of Harper Woods. As to the remainder of the allegations contained in paragraph 19, 32A District Court admits it has jurisdiction over arraignments, the fixing of bail, the accepting of bonds, probable cause conferences and preliminary examinations.

20. In response to the allegations contained in paragraph 20, Defendant admits the Judge Coleman is the Chief Judge of the 32A District Court. As to the remaining allegations, Defendant denies same as untrue in the form and manner alleged and in fact.

21. In response to the allegations contained in paragraph 21, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

22. In response to the allegations contained in paragraph 22, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

23. In response to the allegations contained in paragraph 23, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

24. In response to the allegations contained in paragraph 24, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

25. In response to the allegations contained in paragraph 25, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

26. In response to the allegations contained in paragraph 26, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

27. In response to the allegations contained in paragraph 27, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

28. In response to the allegations contained in paragraph 28, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

29. In response to the allegations contained in paragraph 29, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

30. In response to the allegations contained in paragraph 30, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

31. In response to the allegations contained in paragraph 31, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

32. In response to the allegations contained in paragraph 32, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

33. In response to the allegations contained in paragraph 33, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

34. In response to the allegations contained in paragraph 34, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

35. In response to the allegations contained in paragraph 35, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

36. In response to the allegations contained in paragraph 36, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

37. In response to the allegations contained in paragraph 37, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

38. In response to the allegations contained in paragraph 38, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

39. In response to the allegations contained in paragraph 39, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

40. In response to the allegations contained in paragraph 40, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

41. In response to the allegations contained in paragraph 41, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

42. In response to the allegations contained in paragraph 42, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

43. In response to the allegations contained in paragraph 43, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

44. In response to the allegations contained in paragraph 44, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

45. In response to the allegations contained in paragraph 45, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

46. In response to the allegations contained in paragraph 46, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

47. In response to the allegations contained in paragraph 47, Defendant is are without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

48. In response to the allegations contained in paragraph 48, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

49. In response to the allegations contained in paragraph 49, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

50. In response to the allegations contained in paragraph 50, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

51. In response to the allegations contained in paragraph 51, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

52. In response to the allegations contained in paragraph 52, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

53. In response to the allegations contained in paragraph 53, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

54. In response to the allegations contained in paragraph 54, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

55. In response to the allegations contained in paragraph 55, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

56. In response to the allegations contained in paragraph 56, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

57. Upon information and belief, the allegations contained in paragraph 57 are admitted.

58. In response to the allegations contained in paragraph 58, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

59. In response to the allegations contained in paragraph 59, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

60. In response to the allegations contained in paragraph 60, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

61. In response to the allegations contained in paragraph 61, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

62. In response to the allegations contained in paragraph 62, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

63. In response to the allegations contained in paragraph 63, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

64. In response to the allegations contained in paragraph 64, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

65. In response to the allegations contained in paragraph 65, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

66. Upon information and belief, admitted.

67. In response to the allegations contained in paragraph 67, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

68. In response to the allegations contained in paragraph 68, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

69. In response to the allegations contained in paragraph 69, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

70. In response to the allegations contained in paragraph 70, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

71. In response to the allegations contained in paragraph 71, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

72. In response to the allegations contained in paragraph 72, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

73. In response to the allegations contained in paragraph 73, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

74. In response to the allegations contained in paragraph 74, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

75. In response to the allegations contained in paragraph 75, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

76. In response to the allegations contained in paragraph 76, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

77. The allegations contained in paragraph 77 are denied as untrue in the form and manner alleged and in fact.

78. The allegations contained in paragraph 78 are denied as untrue in the form and manner alleged and in fact.

79. To the extent the allegations contained in paragraph 79 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

80. To the extent the allegations contained in paragraph 80 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

81. To the extent the allegations contained in paragraph 81 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or

information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

82. To the extent the allegations contained in paragraph 82 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

83. To the extent the allegations contained in paragraph 83 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. As to the remainder of the allegations, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

84. Upon information and belief, admitted.

85. Upon information and belief, the allegations contained in paragraph 85 are denied as untrue in the form and manner alleged and in fact.

86. In response to the allegations contained in paragraph 86, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

87. In response to the allegations contained in paragraph 87, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

88. In response to the allegations contained in paragraph 88, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leave Plaintiffs to his proofs.

89. In response to the allegations contained in paragraph 89, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

90. In response to the allegations contained in paragraph 90, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

91. The allegations contained in paragraph 91 are denied as untrue in the form and manner alleged and in fact.

92. The allegations contained in paragraph 92 are denied as untrue in the form and manner alleged and in fact.

93. The allegations contained in paragraph 93 are denied as untrue in the form and manner alleged and in fact.

94. In response to the allegations contained in paragraph 94, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

95. In response to the allegations contained in paragraph 95, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

96. In response to the allegations contained in paragraph 96, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

97. In response to the allegations contained in paragraph 97, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

98. In response to the allegations contained in paragraph 98, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

99. In response to the allegations contained in paragraph 99, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

100. The statements contained in paragraph 100 are legal conclusions as opposed to allegations of fact and therefore no response is required. To the extent

a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

101. The statements contained in paragraph 101 are legal conclusions as opposed to allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

102. The statements contained in paragraph 102 are legal conclusions as opposed to allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

103. The statements contained in paragraph 103 are legal conclusions as opposed to allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

104. The statements contained in paragraph 104 are legal conclusions as opposed to allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

105. The allegations contained in paragraph 105 are denied as untrue in the form and manner alleged and in fact.

106. The allegations contained in paragraph 106 are denied as untrue in the form and manner alleged and in fact.

107. The allegations contained in paragraph 107 are denied as untrue in the form and manner alleged and in fact.

108. The allegations contained in paragraph 108 are denied as untrue in the form and manner alleged and in fact.

109. In response to the allegations contained in paragraph 109, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

110. In response to the allegations contained in paragraph 110, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

111. In response to the allegations contained in paragraph 111, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

112. To the extent the allegations contained in this paragraph pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. For the remainder of the allegations contained in paragraph 112, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

113. In response to the allegations contained in paragraph 113, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

114. In response to the allegations contained in paragraph 114, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

115. In response to the allegations contained in paragraph 115, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

116. In response to the allegations contained in paragraph 116, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

117. In response to the allegations contained in paragraph 117, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

118. The allegations contained in paragraph 118 are denied as untrue in the form and manner alleged and in fact.

119. In response to the allegations contained in paragraph 119, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

120. In response to the allegations contained in paragraph 120, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

121. In response to the allegations contained in paragraph 121, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

122. In response to the allegations contained in paragraph 122, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

123. The allegations contained in paragraph 123 are denied as untrue in the form and manner alleged and in fact.

124. To the extent the allegations contained in this paragraph pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. For the remainder of the allegations contained in paragraph 124, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

125. To the extent the allegations contained in this paragraph pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. For the remainder of the allegations contained in paragraph 125, Defendant is

without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

126. In response to the allegations contained in paragraph 126, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

127. To the extent the allegations contained in this paragraph pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. For the remainder of the allegations contained in paragraph 127, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

128. The allegations contained in paragraph 128 are denied as untrue in the form and manner alleged and in fact.

129. The allegations contained in paragraph 129 are denied as untrue in the form and manner alleged and in fact.

130. The allegations contained in paragraph 130 are denied as untrue in the form and manner alleged and in fact.

131. The allegations contained in paragraph 131 are denied as untrue in the form and manner alleged and in fact.

132. To the extent the allegations contained in 132 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

In response to the remainder of the allegations contained in paragraph 132, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

133. To the extent the allegations contained in 133 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. In response to the remainder of the allegations contained in paragraph 133, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

134. To the extent the allegations contained in 134 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. In response to the remainder of the allegations contained in paragraph 134, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

135. The allegations contained in paragraph 135 are denied as untrue in the form and manner alleged and in fact.

136. To the extent the allegations in paragraph 136 pertain to this Defendant they are denied as untrue in the form and manner alleged and in fact. In response to the remainder of the allegations contained in paragraph 136, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

137. To the extent the allegations in paragraph 137 pertain to this Defendant they are denied as untrue in the form and manner alleged and in fact. In response to the remainder of the allegations contained in paragraph 137, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

138. The allegations contained in paragraph 138 are denied as untrue in the form and manner alleged and in fact.

139. The allegations contained in paragraph 139 are denied as untrue in the form and manner alleged and in fact.

140. The allegations contained in paragraph 140 are denied as untrue in the form and manner alleged and in fact.

141. The allegations contained in paragraph 141 are denied as untrue in the form and manner alleged and in fact.

142. The allegations contained in paragraph 142 are denied as untrue in the form and manner alleged and in fact.

143. The allegations contained in paragraph 143 are denied as untrue in the form and manner alleged and in fact.

144. The allegations contained in paragraph 144 are denied as untrue in the form and manner alleged and in fact.

145. The allegations contained in paragraph 145 are denied as untrue in the form and manner alleged and in fact.

146. The allegations contained in paragraph 146 are denied as untrue in the form and manner alleged and in fact.

147. The allegations contained in paragraph 147 are denied as untrue in the form and manner alleged and in fact.

148. In response to the allegations contained in paragraph 148, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

149. In response to the allegations contained in paragraph 149, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

150. In response to the allegations contained in paragraph 150, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

151. The allegations contained in paragraph 151 are denied as untrue in the form and manner alleged and in fact.

152. The allegations contained in paragraph 152 are denied as untrue in the form and manner alleged and in fact.

INDIVIDUAL COUNT ONE

42 U.S.C. Sec. 1983 Violation of Fourth Amendment: False Arrest & Unlawful Detention Without Probable Cause Against Defendants Heaney, Closurdo, McCaw, Ruthenberg & Stager

153. Defendant incorporates by reference its answers to paragraphs 1-152.

154. The statements contained in paragraph 154 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, this Defendant denies the violation of the Fourth Amendment or any constitutional rights pertaining to the Plaintiff.

155. The statements contained in paragraph 155 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, this Defendant denies the violation of the Fourth Amendment or any constitutional rights pertaining to the Plaintiff.

156. The allegations contained in paragraph 156 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

157. The allegations contained in paragraph 157 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is

required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

158. The allegations contained in paragraph 158 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

159. The allegations contained in paragraph 159 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

160. The allegations contained in paragraph 160 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

161. The allegations contained in paragraph 161 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

162. The allegations contained in paragraph 162 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is

required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

163. The allegations contained in paragraph 163 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

164. The allegations contained in paragraph 164 are denied as untrue in the form and manner alleged and in fact.

165. The allegations contained in paragraph 165 are denied as untrue in the form and manner alleged and in fact.

166. The allegations contained in paragraph 166 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

167. The allegations contained in paragraph 167 do not pertain to this Defendant and, therefore, no response is required. To the extent a response is required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT TWO

42 U.S.C. Sec. 1983 Violation of Fourth Amendment: Unreasonable Search Without a Warrant Against Defendants Heaney, Closurdo, McCaw, Sparks, Ruthenberg & Stager

168. Defendant incorporates by reference its answers to paragraphs 1-167.

169. The statements contained in paragraph 169 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

170. The statements contained in paragraph 170 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

171. The statements contained in paragraph 171 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

172. The statements contained in paragraph 172 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

173. The statements contained in paragraph 173 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

174. The statements contained in paragraph 174 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

175. The statements contained in paragraph 175 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

176. The statements contained in paragraph 176 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent that a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT THREE

42 U.S.C. Sec. 1983 Violation of Fourth and Fourteenth Amendments: Malicious Prosecution Against Defendants Heaney, Closurdo, McCaw, Sparks, Ruthenberg & Stager

177. Defendant incorporates by reference their answers to paragraphs 1-176.

178. The allegations contained in paragraph 178 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

179. To the extent the allegations contained in paragraph 179 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

180. In response to the allegations contained in paragraph 180, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

181. The allegations contained in paragraph 181 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT FOUR

**42 U.S.C. Sec. 1983 Excessive Bail Against Defendants Heaney,
Closurdo, McCaw, Sparks, Ruthenberg & Stager**

182. Defendant incorporates by reference its answers to paragraphs 1-181.

183. The statements contained in paragraph 183 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. Additionally, this paragraph does not pertain to this Defendant. To the extent a response is required, this Defendant denies the allegations as untrue in the manner and form alleged.

184. The allegations contained in paragraph 184 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant denies that excessive bail was set. As to the remaining allegations contained in paragraph 184, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

185. The allegations contained in paragraph 185 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

186. The allegations contained in paragraph 186 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant denies that excessive bail was set.

187. The allegations contained in paragraph 187 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT FIVE

42 U.S.C. Sec. 1983 Civil Conspiracy Against Defendants Heaney, Closurdo, McCaw, Sparks, Ruthenberg & Stager

188. Defendant incorporates by reference its answers to paragraphs 1-187.

189. The statements contained in paragraph 189 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, this Defendant is without knowledge or

information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

190. The allegations contained in paragraph 190 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

191. The allegations contained in paragraph 191 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

192. The allegations contained in paragraph 192 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT SIX

42 U.S.C. Sec. 1983 Monell Liability for Failure to Train Against Defendant Harper Woods

193. Defendant incorporates by reference its answers to paragraphs 1-192.

194. The allegations contained in paragraph 194 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

195. The allegations contained in paragraph 195 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

196. The allegations contained in paragraph 196 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

197. The allegations contained in paragraph 197 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

198. The allegations contained in paragraph 198 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

199. The allegations contained in paragraph 199 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

200. The allegations contained in paragraph 200 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

201. The allegations contained in paragraph 201 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

INDIVIDUAL COUNT SEVEN

Violation of Michigan State Law: Gross Negligence Against Defendants Heaney, Closurdo, McCaw, Sparks, Ruthenberg & Stager

202. Defendant incorporates by reference its answers to paragraphs 1-201.

203. The statements contained in paragraph 203 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To

the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

204. The statements contained in paragraph 204 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

205. The statements contained in paragraph 205 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

206. The statements contained in paragraph 206 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

207. The statements contained in paragraph 207 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

208. The statements contained in paragraph 208 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To

the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

209. The statements contained in paragraph 209 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

210. The statements contained in paragraph 210 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

211. The statements contained in paragraph 211 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

212. The statements contained in paragraph 212 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

213. The statements contained in paragraph 213 are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To

the extent a response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

214. The statements contained in paragraph 214 and subparagraphs (a) through (d) are legal conclusions as opposed to well pled allegations of fact and therefore no response is required. To the extent a response is required, same are denied as untrue in the form and manner alleged and in fact.

CLASS COUNT I

Violation of Equal Protection & Due Process: Wealth-Based Discriminatory Detention Against Defendants 32A District Court and Wayne County

215. Defendant incorporates by reference its answers to paragraphs 1-214.

216. To the extent the allegations contained in paragraph 216 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. To the extent the allegations contained in this paragraph pertain to Defendant Wayne County, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

217. To the extent the allegations contained in paragraph 217 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. To the extent the allegations contained in this paragraph pertain to Defendant

Wayne County, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

218. To the extent the allegations contained in paragraph 218 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact. To the extent the allegations contained in this paragraph pertain to Defendant Wayne County, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to his proofs.

219. The allegations contained in paragraph 219 are denied as untrue in the form and manner alleged and in fact.

CLASS COUNT TWO

**Violation of Substantive Due Process: Unjustified Pretrial Detention
Against Defendants 32A District Court and Wayne County**

220. Defendant incorporates by reference its answers to paragraphs 1-219.

221. The allegations contained in paragraph 221 are denied as untrue in the form and manner alleged and in fact.

222. The allegations contained in paragraph 222 are denied as untrue in the form and manner alleged and in fact.

223. The allegations contained in paragraph 223 do not pertain to this Defendant and therefore no response is required. To the extent the allegations do

pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

224. The allegations contained in paragraph 224 are denied as untrue in the form and manner alleged and in fact.

CLASS COUNT THREE

Violation of Procedural Due Process: Failure to Provide Adequate Hearings Before Depriving a Guaranteed Liberty Interest Against Defendants 32A District Court and Wayne County

225. Defendant incorporates by reference its answers to paragraphs 1-224.

226. The allegations contained in paragraph 226 are denied as untrue in the form and manner alleged and in fact.

227. The allegations contained in paragraph 227 are legal conclusions and therefore no response is required. To the extent a response is required, same are denied as untrue in the form and manner alleged and in fact.

228. The allegations contained in paragraph 228 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, same are denied as untrue in the form and manner alleged and in fact.

229. The allegations contained in paragraph 229 are denied as untrue in the form and manner alleged and in fact.

CLASS COUNT FOUR
Monell Liability for Custom of Tolerance or Acquiescence to
Constitutional Violations
Against Defendants Wayne County and Harper Woods

230. Defendant incorporates by reference its answers to paragraphs 1-229.

231. The allegations contained in paragraph 231 are legal conclusions and therefore no response is required. To the extent a response is required, same are denied as untrue in the form and manner alleged and in fact.

232. To the extent the allegations contained in paragraph 232 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

233. The allegations contained in paragraph 233 do not pertain to this Defendant and therefore no response is required. To the extent a response is required, same are denied as untrue in the form and manner alleged and in fact.

234. The allegations contained in paragraph 234 are denied as untrue in the form and manner alleged and in fact.

235. To the extent the allegations contained in paragraph 235 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

236. To the extent the allegations contained in paragraph 236 pertain to this Defendant, same are denied as untrue in the form and manner alleged and in fact.

237. The allegations contained in paragraph 237 are denied as untrue in the form and manner alleged and in fact.

238. The allegations contained in paragraph 238 and subparagraphs (a) through (g), are denied as untrue in the form and manner alleged and in fact.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an Order for Judgment of No Cause for Action in its favor, with costs and attorney fees to be taxed.

Respectfully submitted,

/s/ Audrey J. Forbush
Audrey J. Forbush (P41744)
PLUNKETT COONEY
Attorney for Defendants
111 E Court Street, Suite 1B
Flint, MI 48502
810-342-7014/810-232-3159-FAX
afortbush@plunkettcooney.com

Dated: July 30, 2024

DEFENDANT 32A DISTRICT COURT'S AFFIRMATIVE DEFENSES

NOW COMES Defendant, 32A District Court, by and through its attorneys, Forbush, Plunkett Cooney, and for its Affirmative Defenses state as follows:

1. Plaintiff fails to state a claim upon which relief can be granted.
2. The applicable statutes of limitations bar the claim.
3. Defendant is entitled to Eleventh Amendment Immunity.
4. Plaintiff has failed to mitigate his damages.
5. The proximate cause of any and all injuries suffered by Plaintiff was the result of the voluntary misconduct of the Plaintiff.
6. Plaintiff's damages may be the fault of persons and/or entities other than the Defendants for which Defendants are not responsible.
7. Probable cause to arrest/charge the Plaintiff existed.
8. Any injury suffered by Plaintiff was proximately caused by his own wrongdoing. Defendants are not the direct or proximate cause of Plaintiff's damages.
9. Defendant is or may be entitled to a set off for any financial recovery to Plaintiff in administrative proceedings under the Michigan Wrongful Imprisonment Compensation Act, MCL 691.1751 *et. seq.*

10. The proximate cause of any and all injuries suffered by the Plaintiff was the result of Plaintiff's own contributory and/or comparative negligence and/or unlawful behavior.

11. Plaintiff's claims may be barred by the doctrines of *res judicata* and/or collateral estoppel.

12. To the extent applicable, Plaintiff's claims may be barred by the Eleventh Amendment.

13. Defendant is immune from tort liability as to all state claims, as it was engaged in the exercise or discharge of a governmental function as defined in M.C.L. 691.1401 *et seq.* and M.C.L. 691.1407 *et seq.*

14. Some or all of Plaintiff's claims are or may be barred by waiver and/or release.

15. To the extent applicable, Defendant is entitled to governmental immunity pursuant to MCL 691.1407 *et seq.*

16. Plaintiff's Complaint may be barred in whole, or in part, by the wrongful conduct doctrine.

17. Plaintiff has failed to plead a valid deliberate indifference claim pursuant to the Fourteenth Amendment of the United States Constitution, for the reason that the Defendant had sufficient policies and procedures in place ensuring the Court was not deliberately indifferent towards Plaintiff's constitutional rights.

18. Defendant incorporates by reference all Affirmative Defenses asserted by any other Defendant in this case to the extent they are applicable.

19. Plaintiff is not entitled to punitive and/or exemplary damages.

20. Plaintiff has failed to exhaust all remedies, grievance procedures or appeals pursuant to 42 U.S.C. 1997e(a), and/or the Prison Litigation Reform Act.

21. Plaintiffs' proposed class would necessarily include uninjured class members who lack standing because they cannot show actual injury.

22. Plaintiffs lack standing to bring claims on behalf of a class with members having different factual claims.

23. Class certification should be denied as many class members have not sustained an injury in fact.

24. Class certification should be denied as the rigorous scrutiny required to certify a class under F.R.C.P. 23 cannot be satisfied by Plaintiffs.

24. Plaintiff lacks standing to sue a state court judge for a violation of civil rights over an adverse decision. (See Article III.)

25. Defendant reserves the right to amend their Affirmative Defenses as they become known as the case progresses.

Respectfully submitted,

PLUNKETT COONEY

/s/ Audrey J. Forbush
Audrey J. Forbush (P41744)
PLUNKETT COONEY
Attorney for Defendants
111 E Court Street, Suite 1B
Flint, MI 48502
810-342-7014/810-232-3159-FAX
aforbush@plunkettcooney.com

Dated: July 30, 2024

**DEFENDANT 32A DISTRICT COURT'S
RELIANCE UPON DEMAND FOR JURY TRIAL**

NOW COMES Defendant, 32A District Court, by and through its attorneys,
PLUNKETT COONEY, and hereby relies upon the demand for trial by jury filed by
Plaintiff in the above-entitled cause of action.

Respectfully submitted,

PLUNKETT COONEY

/s/ Audrey J. Forbush
Audrey J. Forbush (P41744)
PLUNKETT COONEY
Attorney for Defendants
111 E Court Street, Suite 1B
Flint, MI 48502
810-342-7014/810-232-3159-FAX
aforbush@plunkettcooney.com

Dated: July 30, 2024

CERTIFICATE OF SERVICE

I do hereby certify that on July 30, 2024, I filed the foregoing document and this Certificate of Service with the Clerk of the Court using the electronic court filing system, which will send notification of such filing to all Counsel of Record.

/s/Michelle A. Sheppard
MICHELLE A. SHEPPARD
PLUNKETT COONEY

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